

IN TIPPECANOE COUNTY
STATE OF INDIANA

STATE OF INDIANA

v.

ORIGINATING COURT

CAUSE NO: 79 _____

DRUG COURT

CAUSE NO: 79D04-_____-MC-_____

**MOTION TO STAY AND
WAIVER OF RIGHT TO SPEEDY TRIAL
UNDER INDIANA CRIMINAL RULE 4**

Comes now defendant, in person, and by _____, his/her attorney, and requests the originating Court continue this cause for status in order to prepare and submit an Application for Admission to Tippecanoe County Drug Court. Furthermore, defendant waives his/her right to a speedy trial within one year of charges being filed pursuant to Indiana Criminal Rule 4. In support of the present Motion to Stay and Waiver of Right to Speedy Trial under Indiana Criminal Rule 4, the defendant states as follows:

1. That s/he has contacted the Tippecanoe County Prosecutor's Office regarding possible consideration for, and admission to, the Tippecanoe County Drug Court;
2. That the Prosecutor's Office has agreed that s/he may proceed with this application;
3. That s/he has NOT been promised admission to or participation in the Tippecanoe County Drug Court;
4. That in the event s/he is not accepted into the Tippecanoe County Drug Court, this cause shall be returned to the originating Court's trial calendar, and all time accrued from the filing of this motion to said return to the calendar shall NOT be deemed held against the State of Indiana for the purposes of a Criminal Rule 4 Motion for failure to bring defendant to trial within statutory time limits;
5. That the defendant may terminate the application to the Tippecanoe County Drug Court at any time, at which point s/he shall move the originating Court to return this cause to the trial calendar;
6. The defendant explicitly waives his/her right to be tried within one year within the filing date of the charging information pursuant to Criminal Rule 4, and his/her right to a speedy trial under the Indiana and U.S. Constitution;
7. That this motion does not constitute a waiver of any other rights.

WHEREFORE, the State of Indiana requests that a short postponement of the jury trial date be granted and that the State be granted all other relief just and proper in the premises.

Respectfully submitted,

Attorney for Defendant
Attorney No.

CERTIFICATE OF SERVICE

I hereby certify that on the date of filing, a true and complete copy of the above and foregoing was served upon each party or attorney of record herein either personally or by United States first class mail, postage prepaid in envelopes properly addressed.

Attorney for Defendant